

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FREDERICK G. FISCHER, JR.

v.

CARPENTERS PENSION AND ANNUITY
FUND OF PHILADELPHIA AND
VICINITY

CIVIL ACTION

NO. 10-3048

FILED

AUG 3 2011

Michael J. Roney, Clerk
U.S. District Court

ORDER

AND NOW, this 5th day of August, 2011, upon consideration of Plaintiff's Motion for Summary Judgment (Docket No. 15), Defendant's Motion for Summary Judgment (Docket No. 16), and all documents filed in connection with the two Motions, after holding argument on the Motions on July 13, 2011, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** as follows:

1. Plaintiff's Motion for Summary Judgment is **DENIED** in its entirety.
2. Defendant's Motion for Summary Judgment is **GRANTED IN PART** and **DENIED**

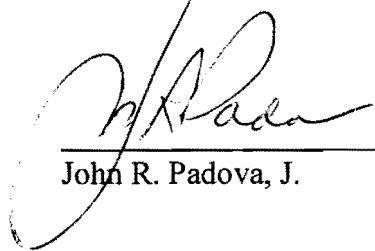
IN PART as follows:

- a. Defendant's Motion is **GRANTED** insofar as it seeks judgment in Defendant's favor on Plaintiff's ERISA claim that Defendant failed to produce documents in violation of 29 U.S.C. § 1132(c)(1); Plaintiff's ERISA claim under 29 U.S.C. § 1132(a)(1)(b) that Defendant denied him benefits both arbitrarily and capriciously, and in violation of ERISA's nonforfeiture provision, 29 U.S.C. § 1053(a); and Plaintiff's claim for violation of the Americans with Disabilities Act, 42 U.S.C. § 2000e-5 et seq. **JUDGMENT IS**

ENTERED in favor of Defendant and against Plaintiff on these claims.

- b. The Motion is **DENIED** insofar as it seeks judgment in Defendant's favor on Plaintiff's ERISA claim that Defendant breached its fiduciary duties.

BY THE COURT:



John R. Padova, J.